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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,896	11/19/2001	Gary Nolen		1057

7590 08/07/2003  
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Suite 125  
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EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,896

Applicant(s)

NOLEN, GARY

Examiner

Thach H Bui

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant's prior art citation filed January 22, 2002 has been received, considered and placed of record.

### ***Specification***

2. The abstract of the disclosure is objected to because it is improper. A proper abstract contains 150 words or less. Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is vague and indefinite because "said first nozzle is aligned to discharge said first liquid so that said first liquid does not contact said plurality of work pieces" renders the claim unclear. First liquid is clearly stated as water in claim 2.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-14, 16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by C.E. Day (U.S. Patent No. 2,856,631).

C.E. Day teaches an apparatus for handling dressed poultry to reduce materially the number of skin borne bacteria while simultaneously cooling the poultry rapidly. The system includes multiple chambers providing the means for effectively washing, pre-cooling, and sterilizing dressed poultry in a continuous operation. The apparatus is set up to reduce the count of surface borne bacteria on dressed poultry by the use of a bactericidal wash (col. 1, lines 15-70). Therefore, it is inherent that C.E. Day teaches a chamber, a processing line, a first/second/third pipe that is being connected to a source of a first/second/third liquid suppliers (18, 10), nozzles (73) and a plurality of work pieces operably connected to the processing line. The plurality of work pieces are being selected from the group consisting of meat, poultry and etc (see Fig. 1-10. Further, the system includes a first and second baffles secured to the chamber (see Fig. 1). The apparatus teaches a first liquid barrier and a second liquid barrier e.g. water (i.e. washing process) in the treatment zone 9(see Fig. 1). Method follows by an apparatus.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over C.E. Day in view of Sivells et al. (U.S. Patent No. 6,279,838)

C.E. Day has all the features of the invention but C.E. Day failed to teach the flat spray nozzle and full cone nozzle. Sivells et al. teach a spray dolly having a removable sprayer consisting of an adjustable cone nozzle, a flat spread pattern nozzle, a fan tip nozzle and a zero degree focused pin point spray nozzle (col. 4, lines 61-66). It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the teachings of C.E. Day and combine with Sivells et al. to have an apparatus having an adjustable cone nozzle and a flat spread pattern nozzle to achieve a more efficient spray mechanism.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over C.E. Day in view of Smith et al. (U.S. Patent No. 4,971,084)

C.E. Day has all the features of the invention but failed to mention a control valve. Smith et al. teach a control valve (70). It would have been obvious to one having ordinary skills in the art at the time of the invention was made to have a valve control to control the flow of the fluid.

7. Claims 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over C.E. Day.

C.E. Day has all the features of the invention but failed to teach a flow rate that is substantially within the range of from approximately 0.35 gallons per minute to

approximately 1.5 gallon per minutes per nozzle, and the rate of the first liquid barrier is different from the rate of the second liquid barrier. It would have been obvious to one having ordinary skills in the art at the time the invention was made to adjust the rate of the first liquid barrier to be different comparing to the second liquid barrier e.g. faster and/or slower depending on the work pieces. Further, it would have been obvious to have a flow rate that is substantially within the range of from approximately 0.35 gallons per minute to approximately 1.5 gallon per minutes per nozzle to guarantee that the work pieces and properly clean.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blair et al., Martin et al., Blacker, Tuttle, Vincent, Jr. et al., Niemela et al., Mansur, Abad et al., Giuseppe, Yarnold, McClure et al., Fleck, Fischer and Hiss are cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

T.B.  
July 29, 2003

  
8-1-03  
MICHAEL MAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700